

# TWENTY-THIRD DAY

(Monday, February 11, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Head
Adamson	Herzik
Adkins	Hodges
Aikin	Hofheinz
Alexander	Holland
Alsup	Hoskins
Ash	Howard
Atchison	Huddleston
Beck	Hughes
Bergman	Hunt
Bourne	Hunter
Bradbury	Hyder
Bradford	Jackson
Broyles	James
Burton	Jefferson
Butler of Brazos	Jones of Atascosa
Butler of Karnes	Jones of Falls
Cagle	Jones of Runnels
Caldwell	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Clayton	King
Collins	Knetsch
Colson	Lange
Cooper	Lanning
Cowley	Latham
Craddock	Lemens
Crossley	Lindsey
Daniel	Lotief
Davis	Lucas
Davison of Fisher	Luker
Davisson	McConnell
of Eastland	McFarland
Dunlap of Hays	McKee
Dunlap of Kleberg	McKinney
Duvall	Moffett
Dwyer	Morris
England	Morrison
Fain	Morse
Farmer	Newton
Fisher	Nicholson
Fitzwater	Olsen
Ford	Padgett
Fox	Palmer
Frazer	Patterson
Fuchs	Payne
Gibson	Petsch
Glass	Pope
Good	Quinn
Graves	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Riddle
Hankamer	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roane
Harris of Dallas	Roark
Hartzog	Roberts

Rogers	Tarwater
Russell	Tennyson
Rutta	Thornton
Scarborough	Venable
Settle	Waggoner
Shofner	Walker
Smith	Westfall
Spears	Wood of Harrison
Stanfield	Wood of Montague
Steward	Young
Stinson	Youngblood
Stovall	

## Absent

Dickison	Leonard
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## Absent—Excused

Calvert	McCalla
Colquitt	Moore
Dunagan	Reader
Hill	Tillery
Leath	Wells
Mauritz	Worley

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. McCalla for today, on motion of Mr. Howard.

Mr. Dunagan for today, on motion of Mr. Good.

Mr. Calvert for today, on motion of Mr. Roane.

Mr. Hill for today, on motion of Mr. Thornton.

Mr. Leath for today, on motion of Mr. Westfall.

Mr. Tillery for today, on motion of Mr. Jones of Falls.

Mr. Wells for today, on motion of Mr. Walker.

Mr. Reader for today, on motion of Mr. Glass.

Mr. Worley for today, on motion of Mr. Hyder.

The following members were granted leaves of absence on account of illness:

Mr. Colquitt for today, on motion of Mr. Collins.

Mr. Mauritz for today, on motion of Mr. Bourne.

Mrs. Moore for today on account of death in family, on motion of Mr. Fitzwater.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the

House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Graves:

H. B. No. 462, A bill to be entitled "An Act amending Article 6166q, Title 108, Revised Civil Statutes, as enacted by Chapter 212, Acts of the Fortieth Legislature of the State of Texas, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. McCalla (by request), Mr. Morse, Mr. Howard, Mr. Hofheinz, and Mr. Holland:

H. B. No. 463, A bill to be entitled "An Act amending Chapter 10, House Bill No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; to correct disorganization of the milk industry; to set up codes of fair practice to eliminate unfair competition; to assure an adequate supply of wholesome milk, and to declare that the milk industry of Texas is affected with a public interest, etc., and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Colquitt:

H. B. No. 464, A bill to be entitled "An Act to amend Article 7150 of the Revised Statutes of Texas, 1925, providing qualifications prerequisite to exemption from taxation for institutions, except those owned by the State of Texas, the function of which is the care of, or ministration to, sick or infirm humans, by adding thereto another section, number 7a, wherein it is provided that this class of institutions, to claim exemption from taxation, must allow all reputable licensed physicians and/or surgeons the use of its facilities; not refuse any patient because of his choice of any reputable licensed physician and/or surgeon, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Thornton:

H. B. No. 465, A bill to be entitled "An Act amending Article 4879 of the Revised Civil Statutes of the State of Texas, 1925, providing that rate of premiums to be charged or collected by all companies transacting the business of fire and/or tornado insurance in this State shall be exclusively fixed and determined and promulgated by the Board of Insurance Commissioners, and providing that no insurance company shall charge or collect any premium or other compensation for any policy of fire and/or tornado insurance other than at the rate as herein provided for, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Daniel, Mrs. Hughes, Mr. Calvert, Mr. Beck, and Mr. Keefe:

H. B. No. 466, A bill to be entitled "An Act to amend Chapter 162, Forty-third Legislature, Regular Session, so as to provide for a six-cent a barrel tax on oil, and providing exceptions, requiring reports, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Patterson and Mr. Padgett:

H. B. No. 467, A bill to be entitled "An Act providing for an additional Assistant District Attorney for the Fifty-third Judicial District of Texas, prescribing his qualifications, who shall be authorized to perform any official act devolving upon or authorized to be performed by the district attorney of such district; requiring him to take the oath of office, and who shall hold office subject to the will of the district attorney; making an appropriation for salary for the ensuing biennium, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Quinn:

H. B. No. 468, A bill to be entitled "An Act relating to the setting, trial, and appeal of workman's compensation cases; providing that such cases shall take precedence on the docket of the trial and appellate courts, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Clayton, Mr. Hankamer, and Mr. Jackson:

H. B. No. 469, A bill to be entitled "An Act to amend Sections 34, 41, 65 (so noted in the Revised Civil Statutes of Texas), Article 199, Title 8, of the Revised Civil Statutes of Texas, and Chapter 92, General Laws of the Forty-first Legislature, Regular Session, changing the time of holding the terms of the District Courts of the Thirty-fourth, Forty-first, and Sixty-fifth Judicial Districts of Texas, and permitting the continuing of the terms of court in Hudspeth and Culberson Counties by the court, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Clayton, Mr. Hankamer, and Mr. Jackson:

H. B. No. 470, A bill to be entitled "An Act amending Article 604, Chapter 3, Title 11, of the Penal Code of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, page 58, Chapter 38, Section 1, by adding thereto a provision relating to the willful neglect or refusal to provide for the support and maintenance of wife or child under the circumstances set out in Article 602, Chapter 3, Title 11, of the Penal Code of Texas, as amended by the Acts of 1931, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

#### HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Worley, Mr. Alexander, and Mr. Moffett:

H. J. R. No. 33, Proposing amendment to Section 5, of Article VII, of the Constitution of Texas; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

#### REASON FOR ABSENCE

I was absent from the Legislative Hall on Saturday, February 9, on account of being tied up on a subcommittee.

DAVIS.

#### HOUSE BILL NO. 416 WITH SENATE AMENDMENTS

Mr. Farmer moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 416.

Mr. Smith raised a point of order on further consideration of the motion by Mr. Farmer, on the ground that under the Rules of the House, Mr. Farmer is not permitted to make the motion.

The Speaker sustained the point of order.

Mr. Lindsey then moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 416.

Mr. Smith moved to table the motion to reconsider.

The motion to table was lost.

Question recurring on the motion to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 416, it prevailed.

Question—Shall the House concur in the Senate amendments to House Bill No. 416?

On motion of Mr. Alexander, further consideration of House Bill No. 416 was postponed until 10 o'clock a. m., next Friday.

#### MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

Executive Office,

Austin, Texas, February 11, 1935.

To the Forty-fourth Legislature:

The platform of the Democratic Party of Texas, adopted in September, 1934, says, in part:

"We condemn the law legalizing race track gambling and favor its repeal."

This platform demand of our party was in response to an issue clearly emphasized in the campaign for Governor and in most of the legislative races. It was adopted in answer to insistent demands by the business, moral and educational forces of Texas.

No niceties of language, no hair-splitting phraseology, no talk of so-called "pari mutuel," or "certificate" systems can disguise the fact that everything permitted under the race

track gambling law is gambling, pure and simple. This Act, originally passed as an amendment to the departmental appropriation bill in the closing hours of the Forty-third Legislature and re-enacted at the First Called Session, simply legalizes flagrant evils outlawed by patriots in the Legislature twenty-six years ago.

Since there can be no question but what the "pari mutuel" or "certificate" system of race track betting is gambling, may I remind you that nearly 150 years ago George Washington wrote:

"This 'gambling' is a vice which is productive of every possible evil, equally injurious to the morals and health of its votaries. It is the child of avarice, the brother of iniquity, and the father of mischief. It has been the ruin of many worthy families, the loss of many a man's honor, and the cause of suicide. To all those who enter the lists, it is equally fascinating. The successful gamester pushes his good fortune, till it is overtaken by a reverse. The losing gamester, in hopes of retrieving past misfortunes, goes on from bad to worse, till, grown desperate, he pushes at everything and loses his all. In a word, few gain by this abominable practice, while thousands are injured."

And Shakespeare said:

"It is lost at dice, what ancient honor won."

And Benjamin Franklin:

"Keep flax from fire, youth from gaming."

The wisdom of our lawmaking fathers who outlawed this evil in the life of Texas was not without foundation in legal principle. Blackstone wrote:

"Gaming is a kind of tacit confession that the company engaged therein do in general exceed the bounds of their respective fortunes, and therefore they cast lots to determine upon whom the ruin shall at present fall, that the rest may be saved a little longer."

Countless authorities might be cited supporting these profound truths. After all, as has been said before, "all gaming, since it implies a desire to profit at the expense of another, involves a breach of the Tenth Commandment."

To this good hour, Washington, Shakespeare, Franklin, Blackstone, and the Bible are cited as authorities for the guidance of us all. They are

surely better counselors than paid advocates of the kind of gambling interests that have "gone to seed" under the provisions of the race track gambling law of Texas.

During the seventeen months since this law was enacted Texas has witnessed and suffered every evil pointed out by Washington as attendant upon gambling. The very foundation of morality and character of our people is being undermined by legalized, commercialized, and advertised gambling. Within its shadow stalks every kind of racketeering. The tout, the thug, have been brought within the law and invade the realms of decency. Embezzlements, suicides, swindlings, and social disaster have followed a dire chain of events.

The consequences are uniformly destructive. Public officials have been indicted for embezzlement, traceable, I understand, to losses at the race track. Trusted employees in private business institutions have checked up short. Merchants and business men find it more difficult to collect their accounts than before the passage of this Act. Uniformly, they report that employees and customers alike pour not only their savings but their current earnings into legalized gambling institutions.

Leaving out names, may I quote from a news item recently appearing in the press:

"\_\_\_\_\_, of a given address, died at 1:50 o'clock p. m., Tuesday, at Saint Joseph's Infirmary. A poison bottle half empty was found in his hotel room. A note in his pocket read, 'the race horses caused this. The wages of sin are death. The greatest thing the Legislature can do is to repeal the gambling laws. May God have mercy on my soul, and watch over and protect my family'."

An isolated instance, some may say, but this we know: this suicide left a record as to the cause of his ruin. There may have been others. It would have been far better not only for this unfortunate man but for Texas had the race track gambling law not been passed.

Advocates of the race track gambling law urge its retention because of the taxes collected. As a matter of fact, only a small part of the revenues promised by those who originally favored its enactment has been realized by the State. It would have been far better for Texas if the more

than twenty-one million dollars which last year passed through the windows of pari mutuel race tracks had been circulated instead in the regular channels of commerce. In any event, personally and officially, I am opposed to legalizing for revenue purposes a moral and economic evil, destructive alike of the character and prosperity of our people. It is axiomatic that taxation of immorality and vice is the resort of a weak government. We simply cannot afford to bargain with a vice which Washington said "is the child of avarice, the brother of iniquity, and the father of mischief."

As to the merits of the race track gambling law, there is, of course, room for honest differences of opinion. Some sincere advocates of retention of the measure say that our trouble is wholly due to the thousands of bookie shops that have sprung up all over the State. The fact remains that these bookie shops have practically all come into being since the passage of the race track gambling law. All admit that without gambling the race tracks cannot exist. If there were no race track gambling, there would be no bookie shops.

It is but another form of corruption when the State approves and feeds upon gambling within the confines of the race track; yet, at the same time, denounces it as unlawful if carried on elsewhere. Small wonder that some officers of the law are discouraged and others openly refuse to enforce the general gambling laws, when such injustices are perpetrated in the name of the sovereign State of Texas.

Again, it is said that it would be bad faith for the Legislature to repeal this law because of investments made under same. I dare say that, with one possible exception, the investments made in every track in Texas have handsomely repaid their owners. In any event, the manner in which the passage of the law was first secured, after it had been defeated in a fair fight on the floor of the House and then being tacked on as an amendment to the appropriation bill, thereby compelling some members to vote for it who had theretofore voted against it, put the race track people on notice, that, to say the least of it, they were on trial in Texas. As a whole, the racing industry has been weighed in the balance and found wanting.

Texas has had to pay too dear a price in manhood and womanhood, in crime and racketeering, in business losses and failure, to countenance any longer this open gambling, this raging fever, this prairie fire of corruption loosed upon us at a time when every demand is for reconstruction, for restoration, for rebuilding of society upon the old foundation stones of honesty and common decency.

In my humble judgment, if this matter were left up to a vote of the people of this State, repeal of the race track gambling law would be overwhelmingly approved. For the sake of the homes and children of Texas, for the sake of legitimate business, I earnestly urge you to carry out the will of the people and repeal this pernicious law.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

#### ADDITIONAL SIGNERS OF HOUSE BILLS AND RESOLUTION

By unanimous consent of the House, the following were authorized to sign bills and resolution, as follows:

Mr. Farmer: House Joint Resolution No. 5.

Mr. McKee: House Bill No. 183.

Mr. Morrison: House Bill No. 170.

On motion of Mr. Fuchs, by unanimous consent of the House, the following were authorized to sign House Bill No. 40:

Messrs. Caldwell, Davisson of Eastland, Reed of Dallas, McFarland, Lucas, Lotief, Hofheinz, Jones of Runnels, Fisher, Lanning, Mauritz, Adkins, Celaya, Hardin, Payne, Herzik, Hoskins, Hodges, Rutta, Moffett, Stovall, Lange, and Hill.

#### BILL ORDERED PRINTED

Mr. Jones of Atascosa moved that House Bill No. 54, reported adversely with minority favorable report, be printed.

The motion prevailed.

#### MOTION TO PRINT HOUSE JOINT RESOLUTION NO. 27

Mr. Aikin moved that House Joint Resolution No. 27, reported adversely with a minority favorable report, be printed.

Question recurring on the motion to print, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—64

Adamson	Jones of Wise
Adkins	Keefe
Aikin	Knetsch
Atchison	Lanning
Bergman	Latham
Bourne	Leath
Bradbury	Lucas
Broyles	Luker
Cagle	McConnell
Canon	McKee
Collins	Moffett
Cooper	Morris
Craddock	Olsen
Crossley	Padgett
Davison of Fisher	Petsch
England	Quinn
Fain	Reed of Dallas
Fisher	Riddle
Fitzwater	Roach of Angelina
Ford	Roach of Hunt
Gibson	Settle
Glass	Shofner
Good	Smith
Graves	Spears
Gray	Stanfield
Harris of Dallas	Steward
Herzik	Stinson
Hodges	Stovall
Hughes	Venable
Hunter	Walker
Hyder	Westfall
Jones of Atascosa	Youngblood

## Nays—61

Alexander	Hoskins
Alsup	Howard
Beck	Huddleston
Bradford	Hunt
Burton	Jackson
Butler of Karnes	James
Caldwell	Jefferson
Clayton	Jones of Falls
Cowley	Jones of Runnels
Daniel	Jones of Shelby
Davis	King
Davison	Lemens
of Eastland	Lindsey
Dunlap of Hays	Lotief
Dwyer	McFarland
Farmer	McKinney
Fox	Morrison
Fuchs	Morse
Greathouse	Newton
Hankamer	Nicholson
Hardin	Palmer
Harris of Archer	Patterson
Head	Pope
Hofheinz	Reed of Bowie
Holland	Roane

Roark	Tennyson
Roberts	Thornton
Rogers	Waggoner
Russell	Wood of Harrison
Rutta	Wood of Montague
Tarwater	Young

## Absent

Ash	Duvall
Butler of Brazos	Hartzog
Celaya	Lange
Colson	Leonard
Dickison	Payne
Dunlap of Kleberg	Scarborough

## Absent—Excused

Calvert	McCalla
Colquitt	Moore
Dunagan	Reader
Frazer	Tillery
Hill	Wells
Mauritz	Worley

Mr. Roach of Hunt moved to reconsider the vote by which House Joint Resolution No. 27 was ordered printed on minority report.

(Mr. Morse in the Chair.)

Mr. Aikin moved to table the motion by Mr. Roach of Hunt.

The motion to table was lost by the following vote:

## Yeas—51

Adkins	Knetsch
Aikin	Latham
Atchison	Lucas
Bergman	Luker
Bourne	McConnell
Bradbury	McFarland
Broyles	Moffett
Butler of Brazos	Morris
Cagle	Padgett
Canon	Petsch
Davison of Fisher	Quinn
England	Reed of Dallas
Fain	Riddle
Fisher	Rutta
Ford	Settle
Gibson	Shofner
Glass	Smith
Good	Stanfield
Graves	Stinson
Gray	Venable
Hodges	Waggoner
Hoskins	Walker
Howard	Westfall
Jones of Wise	Wood of Harrison
Keefe	Youngblood
King	

## Nays—62

Adamson	Huddleston
Alexander	Hughes
Alsup	Hunt
Beck	Hunter
Bradford	Jackson
Burton	James
Butler of Karnes	Jones of Falls
Caldwell	Jones of Runnels
Collins	Jones of Shelby
Colson	Lemens
Cowley	Lindsey
Craddock	Lotief
Crossley	McKinney
Daniel	Morrison
Davis	Newton
Davisson	Nicholson
of Eastland	Olsen
Dunlap of Hays	Palmer
Dwyer	Patterson
Farmer	Payne
Fitzwater	Pope
Fox	Reed of Bowie
Fuchs	Roach of Angelina
Greathouse	Roach of Hunt
Hankamer	Roane
Hardin	Roark
Harris of Archer	Rogers
Harris of Dallas	Russell
Head	Thornton
Herzik	Wood of Montague
Hofheinz	Young
Holland	

## Present—Not Voting

Stovall	Morse
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## Absent

Ash	Lange
Celaya	Lanning
Clayton	Leonard
Cooper	McKee
Dickison	Roberts
Dunlap of Kleberg	Scarborough
Duvall	Spears
Hartzog	Steward
Hyder	Tarwater
Jefferson	Tennyson
Jones of Atascosa	

## Absent—Excused

Calvert	McCalla
Colquitt	Moore
Dunagan	Reader
Frazer	Tillery
Hill	Wells
Leath	Worley
Mauritz	

Question then recurring on the motion to reconsider the vote by which House Joint Resolution No. 27 was ordered printed, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

## Yeas—65

Adamson	Huddleston
Alexander	Hunt
Alsup	Jackson
Beck	James
Bradford	Jones of Runnels
Burton	Jones of Shelby
Butler of Brazos	King
Butler of Karnes	Lemens
Caldwell	Lindsey
Collins	Lotief
Colson	Moffett
Cowley	Morrison
Craddock	Newton
Daniel	Nicholson
Davis	Palmer
Davisson	Patterson
of Eastland	Pope
Dunlap of Hays	Reed of Bowie
Dunlap of Kleberg	Roach of Angelina
Dwyer	Roach of Hunt
Farmer	Roane
Fitzwater	Roark
Fox	Rogers
Fuchs	Russell
Greathouse	Rutta
Hankamer	Smith
Hardin	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Thornton
Head	Waggoner
Hofheinz	Wood of Harrison
Holland	Young
Howard	Youngblood

## Nays—49

Adkins	Jones of Falls
Aikin	Jones of Wise
Atchison	Keefe
Bergman	Knetsch
Bourne	Lanning
Bradbury	Latham
Broyles	Lucas
Cagle	Luker
Canon	McConnell
Cooper	McFarland
Davison of Fisher	McKee
England	Morris
Fain	Olsen
Fisher	Padgett
Ford	Petsch
Gibson	Reed of Dallas
Glass	Riddle
Good	Settle
Graves	Shofner
Gray	Stanfield
Herzik	Stinson
Hodges	Walker
Hughes	Westfall
Hunter	Wood of Montague
Hyder	

## Absent

Ash	Crossley
Celaya	Dickison
Clayton	Duvall

Hartzog	Payne
Hoskins	Quinn
Jefferson	Roberts
Jones of Atascosa	Scarborough
Lange	Spears
Leonard	Steward
McKinney	Tennyson
Morse	Venable

## Absent—Excused

Calvert	McCalla
Colquitt	Moore
Dunagan	Reader
Frazer	Tillery
Hill	Wells
Leath	Worley
Mauritz	

Question recurring on the motion to print House Joint Resolution No. 27 on minority report, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—52

Adkins	Keefe
Aikin	Knetsch
Atchison	Lanning
Bergman	Latham
Bourne	Lucas
Bradbury	Luker
Broyles	McConnell
Butler of Brazos	Moffett
Cagle	Morris
Canon	Olsen
Cooper	Padgett
Craddock	Petsch
Davison of Fisher	Reed of Dallas
Fain	Riddle
Fisher	Roach of Angelina
Ford	Roach of Hunt
Gibson	Settle
Glass	Shofner
Good	Smith
Graves	Stanfield
Gray	Steward
Herzik	Stinson
Hodges	Venable
Hughes	Walker
Hyder	Westfall
Jones of Wise	Youngblood

## Nays—64

Adamson	Davis
Alexander	Davisson
Alsup	of Eastland
Beck	Dunlap of Hays
Bradford	Dwyer
Burton	Farmer
Butler of Karnes	Fitzwater
Caldwell	Fox
Collins	Fuchs
Colson	Greathouse
Cowley	Hankamer
Daniel	Hardin

Harris of Archer	Newton
Harris of Dallas	Nicholson
Hartzog	Palmer
Hofheinz	Patterson
Holland	Payne
Howard	Pope
Huddleston	Reed of Bowie
Hunt	Roane
Hunter	Roark
Jackson	Rogers
James	Russell
Jones of Falls	Rutta
Jones of Runnels	Stovall
Jones of Shelby	Tarwater
King	Tennyson
Lemens	Thornton
Lindsey	Waggoner
Lotief	Wood of Harrison
McFarland	Wood of Montague
McKinney	Young
Morrison	

## Absent

Ash	Jefferson
Celaya	Jones of Atascosa
Clayton	Lange
Crossley	Leonard
Dickison	McKee
Dunlap of Kleberg	Morse
Duvall	Quinn
England	Roberts
Head	Scarborough
Hoskins	Spears

## Absent—Excused

Calvert	McCalla
Colquitt	Moore
Dunagan	Reader
Frazer	Tillery
Hill	Wells
Leath	Worley
Mauritz	

## MOTION TO PRINT HOUSE JOINT RESOLUTION NO. 24

Mr. Gray moved that House Joint Resolution No. 24, reported adversely, with a minority favorable report, be printed.

The motion was lost.

## MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, February 11, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 15, Granting Hon. F. P. Adams, Judge of the First Judicial District Court, permission to be absent from the State.



S. C. R. No. 16, Relative to a joint session of the House and Senate, for the purpose of hearing the address of Hon. Hal H. Sevier. The following have been appointed on the part of the Senate: Senators Hornsby, Neal, Collie.

The Senate concurred in House amendments to Senate Bill No. 109 by the following vote: Yeas, 29; nays, 0.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 109, "An Act providing that in counties having a population of more than 48,000, as shown by the Federal Census of 1930, and containing a city of more than 10,000 population, as shown by the Federal Census of 1930, located in a justice precinct other than that in which is located the county seat in such county, the sheriff of such county may appoint as many deputies as the commissioners court of such county may deem necessary, and declaring an emergency."

#### NAMING SCOTTIE GAYLE STEVENSON MASCOT OF THE HOUSE

Mr. Hartzog offered the following resolution:

Whereas, Up to the present time several lovely and charming young daughters of Representatives of this House have been named as mascots; and

Whereas, We have in our midst the lovely young granddaughter of our Speaker, the Hon. Coke R. Stevenson; therefore, be it

Resolved by the House of Representatives, That Scottie Gayle Stevenson be added to the list of Mascots of this House and that her name be placed on the list and her picture appear in the group picture of the members of this House.

HARTZOG,  
ALSUP,  
HUNTER.

The resolution was read second time, and was unanimously adopted.

#### PROVIDING FOR CERTAIN QUESTIONNAIRE FOR MEMBERS

Mr. Russell offered the following resolution:

Whereas, We deem it a matter of public policy that the people of the State should know what interests the members of the Legislature represent while the Legislature is in session; and

Whereas, The National Government prohibits any member of the National Congress from representing any interests while a member of Congress other than that of the people; and

Whereas, The Democratic party of Texas went on record favoring a disclosure of what interests members of the Legislature represent other than those of the people; now, therefore, be it

Resolved by the House of Representatives, That the Speaker of the House appoint a committee of five who shall be authorized and empowered to draft a form of a resolution which shall be in such form as will show, when answered, the trade, occupation, or profession of the member preparing it and the names of any organization, corporation, or association by which that member is retained or accepts a salary on a monthly, yearly, or contingent basis at the time of taking the oath of office; and be it further

Resolved, That at any time while the Legislature is in session any member who accepts a retainer or receives a salary such shall be published in the Journal of the House; and be it further

Resolved, That answers to the questions propounded by the committee through its questionnaire shall be under oath; and be it further

Resolved, That the committee authorized to secure this information be directed to make a full and complete report to the House, which report shall be printed in the House Journal not later than two weeks after the passage of this resolution.

Signed—Russell, James, Frazer, Moffett, Lindsey, Fain, Wood of Harrison, Jones of Runnels, Alexander, Glass, Lotief.

The resolution was read second time, and was adopted.

TO PROVIDE FOR THE ESTABLISHMENT OF "COMMITTEE ON INTERSTATE CO-OPERATION"

Mr. Rogers offered the following resolution:

Be it resolved: 1. That there is hereby established a standing committee of this House, to be known as the Committee on Interstate Co-operation, to be composed of five members.

2. That the members of this committee for the present Session shall be forthwith appointed by the Speaker of the House. This committee shall devote its attention primarily to the improvement of relationships of the government of this State with the governments of the forty-seven other States, and more especially with the governments of neighboring States. This committee shall also give attention to the more effective co-operation of the government of this State with the Federal Government.

3. That this committee shall also constitute the Council of the American Legislators' Association for this House.

4. That the passage of this resolution shall constitute an amendment of the Rules of this House.

5. The adoption of this resolution shall not authorize any appropriation from the Contingent Expense Fund not otherwise authorized.

ROGERS,  
MOFFETT,  
BECK,  
WOOD of Harrison,  
FAIN,  
JAMES.

The resolution was read second time, and was referred, by the Chair, to the Committee on Rules.

RELATIVE TO DISTRIBUTION OF CERTAIN STATE FUNDS

Mr. Lemens offered the following resolution:

Whereas, The Forty-third Legislature in its First Called Session assembled, did finally enact into law what is known as the Racing Law of Texas; and

Whereas, Said law provided that the taxes derived under the provisions thereof should be distributed so as, first, to maintain the Texas Racing Commission; second, provision should be made for the payment of funds

into the Available Public Free School Fund; third, provide payment to the jack and stallion fund; and, fourth, expenses should be allowed for the maintenance of the State Department of Agriculture; and

Whereas, It is further provided that any excess left in the Special Racing Fund shall be, by the State Treasurer, divided into as many equal parts as there are counties in the State of Texas, and he shall thereupon immediately remit one of such equal parts to the county treasurer of each county in the State of Texas, who shall pay the same into such lawful fund or funds of said county as shall be determined by the commissioners court of said county; and

Whereas, It is the wording, spirit, and intent of said Racing Law that said excess shall be divided among the counties of this State as of January 1 of each year; and

Whereas, For the year 1934 there was accumulated an excess to be divided among said counties in the sum of \$183,259.77; and

Whereas, The Treasurer of the State of Texas has failed to comply with said Racing Law and pay said sum of \$183,259.77 to the designated county funds of the respective counties of this State; and

Whereas, The counties of the State of Texas at this time are in stressed financial circumstances; and

Whereas, The distribution of this sum of money to the counties would effect great financial relief to the various counties of Texas and ought to be paid into the several county funds, as is provided by law; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That the Speaker of the House appoint three members of this body to confer with the Treasurer of the State of Texas and ascertain the reasons, if any, for the delay in the lawful distribution of this fund; and be it further

Resolved, That this committee be requested to urge the Treasurer of the State of Texas to comply promptly with the law and make such distribution of said fund; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of the House to the Treasurer of the State of Texas.

LEMENS,  
McKEE,  
CANON.

The resolution was read second time, and was adopted.

# HOUSE BILL NO. 403 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 403, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11 of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict, and declaring an emergency";

The bill having heretofore been read second time, with amendment by Mr. Daniel, and point of order by Mr. Walker, on further consideration of the amendment by Mr. Daniel, on the ground that the amendment is not germane to the bill, pending.

Mr. Daniel withdrew the pending amendment.

Mr. Daniel offered the following amendment to the bill:

Amend House Bill No. 403, page 1, line 35, by inserting after the word "on," the following: "the secretary or the Chief Supervisor of the Oil and Gas Division of."

The amendment was adopted.

Mr. Stovall offered the following amendment to the bill:

Amend House Bill No. 403 by adding after the word "order" and before the word "upon" in line 22 of the printed copy of said bill, near the end of Section 10, under Section 1, the following: "and shall bring suit thereon before the expiration of six months from the date of the final determination of the validity in whole or in part of such rule, regulation, or order."

The amendment was adopted.

Mr. Lemens offered the following amendment to the bill:

Amend House Bill No. 403, page 1, line 37, by striking out "ten days" and inserting in lieu thereof the words "reasonable time, not exceeding ten days."

The amendment was adopted.

(Mr. Walker in the Chair.)

Mr. Latham offered the following amendment to the bill:

Amend House Bill No. 403, page 2, line 33, by striking out the words "either principal" and inserting in lieu thereof the word "any."

The amendment was adopted.

Mr. Crossley offered the following amendment to the bill:

Amend House Bill No. 403 by striking out all of that part commencing with the word "provided" in line 38, page 1, through and including line 28 on page 2.

CROSSLEY,  
BECK.

On motion of Mr. Latham, the amendment was tabled.

Mr. Butler of Brazos offered the following amendment to the bill:

Amend House Bill No. 403 by striking out line 13, page 1.

BUTLER of Brazos,  
HOWARD.

On motion of Mr. Jones of Atascosa, the amendment was tabled.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 403 was then passed to engrossment.

# HOUSE BILL NO. 403 ON THIRD READING

Mr. Lange moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson	Canon
Adkins	Celaya
Aikin	Clayton
Alexander	Cooper
Alsup	Cowley
Ash	Craddock
Atchison	Daniel
Beck	Davis
Bourne	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Broyles	Dunlap of Hays
Burton	Dwyer
Butler of Karnes	England
Cagle	Fain
Caldwell	Fisher

Fitzwater	McFarland
Ford	McKee
Fox	McKinney
Fuchs	Moffett
Gibson	Morris
Glass	Morrison
Good	Morse
Graves	Newton
Gray	Nicholson
Greathouse	Olsen
Hankamer	Padgett
Harris of Archer	Patterson
Harris of Dallas	Petsch
Hartzog	Quinn
Herzik	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Riddle
Holland	Roach of Angelina
Hughes	Roach of Hunt
Hunt	Roark
Hunter	Roberts
Hyder	Rogers
Jackson	Russell
James	Rutta
Jefferson	Settle
Jones of Atascosa	Smith
Jones of Falls	Stanfield
Jones of Runnels	Steward
Jones of Wise	Stinson
Keefe	Stovall
King	Tarwater
Knetsch	Tennyson
Lange	Thornton
Lanning	Venable
Latham	Waggoner
Lemens	Westfall
Lindsey	Wood of Harrison
Lotief	Wood of Montague
Lucas	Young
Luker	Youngblood

## Nays—7

Butler of Brazos	Huddleston
Crossley	Jones of Shelby
Farmer	Palmer
Howard	

## Present—Not Voting

Frazer	Hardin
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## Absent

Bergman	McConnell
Collins	Payne
Colson	Pope
Dickison	Roane
Dunlap of Kleberg	Scarborough
Duwall	Shofner
Head	Spears
Hoskins	Walker
Leonard	

## Absent—Excused

Calvert	Leath
Colquitt	Mauritz
Dunagan	McCalla
Hill	Moore

Reader	Wells
Tillery	Worley

The Chair then laid House Bill No. 403 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—113

Adamson	Jones of Falls
Adkins	Jones of Runnels
Aikin	Jones of Wise
Alexander	Keefe
Alsup	King
Ash	Knetsch
Atchison	Lange
Beck	Lanning
Bergman	Latham
Bourne	Lemens
Bradbury	Lindsey
Bradford	Lotief
Broyles	Lucas
Burton	Luker
Butler of Karnes	McFarland
Cagle	McKee
Caldwell	McKinney
Canon	Moffett
Celaya	Morris
Clayton	Morrison
Collins	Morse
Cooper	Newton
Cowley	Nicholson
Craddock	Olsen
Daniel	Padgett
Davis	Palmer
Davison of Fisher	Patterson
Davisson	Payne
of Eastland	Petsch
Dunlap of Hays	Quinn
Dwyer	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Fisher	Roach of Angelina
Fitzwater	Roach of Hunt
Ford	Roane
Fox	Roark
Fuchs	Roberts
Gibson	Rogers
Glass	Russell
Good	Rutta
Graves	Settle
Gray	Shofner
Greathouse	Smith
Hankamer	Stanfield
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Herzik	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Holland	Venable
Hughes	Waggoner
Hunter	Westfall
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Young

## Nays—6

Butler of Brazos	Howard
Crossley	Huddleston
Farmer	Youngblood

## Present—Not Voting

Frazer

## Absent

Colson	Jones of Atascosa
Dickison	Jones of Shelby
Dunlap of Kleberg	Leonard
Duvall	McConnell
Hartzog	Pope
Head	Scarborough
Hoskins	Spears
Hunt	Walker
Jefferson	

## Absent—Excused

Calvert	McCalla
Colquitt	Moore
Dunagan	Reader
Hill	Tillery
Leath	Wells
Mauritz	Worley

## RECESS

Mrs. Hughes moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. Reed of Bowie moved that the House adjourn until 10 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Reed of Bowie, it was lost.

Question then recurring on the motion of Mrs. Hughes, it prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess to 10 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bills Nos. 382 and 424.

Criminal Jurisprudence: House Bill No. 433.

Counties: House Bills Nos. 427 and 443.

Education: House Bill No. 104.

Highways and Motor Traffic: House Bill No. 71.

State Affairs: Senate Bill No. 90.

## In Memory of Hon. W. D. Swann

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Mr. Latham offered the following resolution:

Whereas, The Supreme Ruler of our destinies called to his eternal reward on Friday, February 8, 1935, Hon. W. D. Swann of Smith County, Texas; and

Whereas, Mr. Swann had reached the age of ninety years and continued until the day of his death to be a most useful and outstanding citizen of Texas; and

Whereas, He had served his district and the State of Texas with distinction in the House of Representatives for several terms and was recognized by his fellow members and constituents as an able public servant; and

Whereas, He likewise served his State with distinction in the Civil War under the late Major James P. Douglas, and was one of the last surviving members of the Albert Sidney Johnston Camp of Confederate Veterans of Smith County; and

Whereas, The pages of his life unfold a record of memorable service and achievement, which stand as a monument to him in his community, his county, and his State; therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That we recognize the loss that this State has sustained in his death. Be it further

Resolved, That this body extend its deepest sympathy to his family and fellow citizens, and that this resolution be spread on the Journal of the House of Representatives, and that when the House stands adjourned today it do so in honor of this distinguished former member. Be it further

Resolved, That a copy of this resolution be sent to the surviving members of his family.

LATHAM,  
COOPER.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hughes, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Roach of Angelina, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.